

in accordance with the prayers of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal. On October 3, 1932, claimant having withdrawn the answer filed in the case instituted in the District of Oregon, a similar decree was entered; and on November 1, 1932, a default decree of condemnation and destruction was entered in the case in the District of Iowa.

HENRY A. WALLACE, *Secretary of Agriculture.*

19877. Misbranding of Servex. U. S. v. 41 Sets of Servex. Product released under bond. (F. & D. No. 27286. I. S. No. 21394. S. No. 5457.)

Examination of the product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton label.

On or about December 7, 1931, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 41 sets of Servex at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce, on or about March 26, 1931, by the Burnham Snow Products Co., from Los Angeles, Calif., to Phoenix, Ariz., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of oxyquinoline sulphate, quinine sulphate, and boric acid.

It was alleged in substance in the libel that the article was misbranded in that the following statements appearing on the carton label, regarding the curative and therapeutic effects of the article, were false and fraudulent: "Leucorrhea should be treated by the use of Servex each night until relieved * * * to prevent infection, use Servex before exposure."

On December 22, 1931, the Servex Laboratories, Hollywood, Calif., having appeared as claimant for the property, the court ordered that the said claimant be permitted to obtain possession of the goods upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act. The product having been relabeled under the supervision of this department, on November 7, 1932, the bond was ordered discharged.

HENRY A. WALLACE, *Secretary of Agriculture.*

19878. Misbranding of Robene. U. S. v. 162 Bottles, et al., of Robene. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27781. I. S. Nos. 42195, 42196. S. No. 5851.)

Examination of the drug product Robene, involved in this action, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labels and in an accompanying circular. The article also was found to contain alcohol and chloroform, and failed to bear on the label statements of the quantity of alcohol and chloroform contained therein.

On February 26, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of one hundred and sixty-two 2-fluid-ounce bottles and fifty-three 4-fluid-ounce bottles of the said Robene, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped on or about January 22, 1932, by the E. I. Runner Co. (Inc.), from Wheeling, W. Va., and had been transported from the State of West Virginia into the District of Columbia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils including peppermint oil, camphor, methyl salicylate and thuja oil, chloroform (71 minims per fluid ounce), and alcohol (61 percent by volume), colored with a green dye.

It was alleged in the libel that the article was misbranded in that the package failed to bear on the label a statement of the quantity or proportion of alcohol and chloroform contained therein. Misbranding was alleged for the further reason that the following statements borne on the carton and bottle labels and in the circular, regarding the curative and therapeutic effects of the article were false and fraudulent: (Carton) "Aching Joints Aching joints and Rheumatic pains Robene should be applied freely and rubbed in thoroly for

Rheumatic and similar pains. Rheumatic Pains Robene should be applied freely and rubbed in thoroly for Rheumatic and similar pains. * * * Lumbago When * * * congestion settles in muscles much pain is caused. Massage with Robene for relief. * * * Painful Bunions For painful bunions * * * Swollen Feet * * * Burning, swollen feet and puffed ankles;" (bottle label) "Rheumatic Pains * * * Etc. * * * Lumbago * * * pain killer * * * for any kind of ache, pain, * * * quickly relieves the above and many other complaints. * * * quickly limbers up sore * * * joints. * * * rub Robene in thoroly for all deep seated aches and pains. * * * Swollen Feet * * * Bunions * * * For quick * * * and lasting relief from the above any other foot discomforts or diseases;" (circular) "Aching Joints Robene should be rubbed and massaged thoroly into aching, painful and throbbing joints. By rubbing Robene you create a penetrating heat that goes right in and relief is generally experienced in just a few minutes after Robene is applied. * * * Painful Bunions Robene is not intended to remove or cure Bunions * * * but you will experience a decided lessening of pain if you will apply Robene freely to the afflicted parts. * * * In cases of diseased foot * * * Continued use will generally restore your feet to a healthy condition. * * * Swollen Feet Swollen * * * feet * * * By soaking the feet in hot water once or twice a day and dashing on Robene freely you will experience wonderful relief. * * * Do Not Rub for Foot Trouble, etc. * * * To Relieve Aches, Pains. * * * Etc. * * * Lumbago, Lumbago * * * that have settled in the muscles are generally one form of congestion. These congestions are generally relieved promptly by having these congested parts massaged thoroly with Robene. In some cases repeated treatments are necessary * * * Rheumatic Pains When the joints ache and throb and your muscles are sore and full of pain or when your nerves are all shot because every movement of your body is torture, Robene should be applied freely and thoroly rubbed in. This creates a penetrating heat that quickly relieves these and similar pains. * * * seems to go right into the seat of pain; therefore for all deep-seated pain Robene should be rubbed in. However, in all foot affections * * * etc., Robene should be applied freely and allowed to soak in without rubbing."

On April 9, 1932, the E. I. Runner Co. (Inc.), Wheeling, W. Va., claimant, having admitted the allegations of the libel and having consented to the entry of the decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs and the execution of a bond in the sum of \$166.88, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

19879. Adulteration and misbranding of tincture of aconite. U. S. v. Three 4-ounce Bottles of Tincture Aconite Root. Default decree of condemnation and destruction. (F. & D. No. 27800. I. S. No. 39503. S. No. 5898.)

The product involved in this action was represented to be of pharmacopoeial standard, and was found upon analysis to possess a potency of less than one-fourth of that required by the United States Pharmacopoeia for tincture of aconite.

On February 29, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of three 4-ounce bottles of tincture of aconite, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the Standard Pharmaceutical Corporation, from Baltimore, Md., on or about February 9, 1932, and had been transported from the State of Maryland into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, "Tincture Aconite Root (Tinctura Aconiti) U. S. P.," and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, since its potency was less than one-fourth of that required.

Misbranding was alleged for the reason that the statement on the label, "Tincture Aconite Root (Tinctura Aconiti) U. S. P.," was false and misleading, since the said statement represented that the article was of pharmacopoeial standard, whereas it was not.